XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

मामला क्रमांक M.A.(C) 1084/ सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	APPELLANT/: (Claimant)	Satyabhama, W/o Late Daneshwar, Aged about 40 years, R/o Khapri Heeru, Post Tawera, Thana Ranchirai, Distt. Durg (C.G.)
		- Versus -
	RESPONDENTS/: (Non-applicants) 1.	Rekhram @ Rekhu, S/o Rewaram Sahu, aged about 24 years, R/o Village Junwani, Post Sikosha, Tehsil Gunderdehi, Distt. Durg (C.G.) (Driver of Tractor bearing Regd. No.CG -07/D-2050)
	2.	Babu Lal Jain, S/o Rajmal Jain, R/o Village and Post Pairi, Tehsil Gunderdehi, Distt. Durg (C.G.) (Registered owner of vehicle Tractor bearing Regd. No.CG-07/D-2050)
	3.	The Oriental Insurance Company Limited, Malviya Nagar, Durg (Insurer of vehicle Tractor bearing Regd. No.CG-07/D-2050)
	(Appeal under Section 173 of Motor Vehicle Act, 1988)	
	Division Bench: -	
	Hon'ble Mr. L.C. Bhadoo and Hon'ble Mr. Sunil Kumar Sinha, JJ.	
	25-9-2007	
	Mr. Avinash Chand Sahu, counsel for the appellant.	
	Heard.	
	The appellant has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988, for enhancement of the compensation amount, being aggrieved by the award dated 18-6-2007 passed by the 2nd Additional Motor Accident Claims Tribunal, Durg, in Claim Case No.56/2006, whereby learned	

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Tribunal has awarded in all Rs.5,95,000/- under the following heads, along with interest at the rate of 8% per annum: -

1. Treatment:	Rs.50,000/-
2. Special diet:	Rs.10,000/-
3. Conveyance:	Rs.10,000/-
4. Attendant:	Rs.10,000/-
5. Future loss:	Rs.3,90,000/-
6. Future treatment:	Rs.50,000/-
7. Pain & suffering:	Rs.50,000/-
8. Permanent incapacity:	Rs.25,000/-
Total:	Rs.5,95,000/-

In case the award amount is not deposited within two months, then the interest shall be payable at the rate of 10%.

Learned counsel for the appellant submits that wrong multiplier has been applied in this case.

Having heard learned counsel for the appellant, we have perused the award. The claimant has claimed herself to be agriculturist. Further she claimed that she was also running a jeep as taxi. Perusal of the impugned award reveals that compensation amount more than sufficient has already been awarded to the claimant under various heads. The claimant is simply an agriculturist. As per para 15 of the impugned award, she has admitted in her cross-examination that she used to give her agricultural land on yearly lease basis and she herself was not looking after the agricultural operations in the field. As far as income through running the jeep as taxi is concerned, no proof was produced regarding the same. In spite of that fact, learned Tribunal has awarded future loss at

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मामला क्रमांक M.A.(C) 1084/ **सन्** 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Soma	Rs.3,90,000/- and Rs.50,000/- for pain & suffering, which comes to Rs.4,40,0 the said amount is just and reasonable. It cannot be said that the said amou any manner is insufficient or not just and reasonable. Therefore, we do not find any substance in this appeal, same is liabl be dismissed and it is hereby dismissed *in limine*. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge** 27/9/07